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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ALEXANDRIA, VA 22314

EXAMINER

SCRUGGS, ROBERT J

ART UNIT

PAPER NUMBER

3723

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DELIVERY MODE

01/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,832

Applicant(s)

PRUSSIANI, MARIO GIORGIO

Examiner

ROBERT SCRUGGS

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-43 and 45-55 is/are pending in the application.
- 4a) Of the above claim(s) 1-32 and 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-43 and 45-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment received on September 26, 2008. Applicant has cancelled claims 1-32 and 44, added claims 45-55 therefore claims 33-43 and 45-55 have been fully examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 33-38 and 44 are **Finally** rejected under 35 U.S.C. 103(a) as being unpatentable over Bando (5221034) in view of Warren (4777787) and Christian (previously cited).

In reference to claims 33 and 45, Bando discloses a circular blade device (Figure 14) for cutting flat marble, granite, glass or similar sheets (22), comprising numerical control means (Column 2, Lines 10-22) for a cutting head (64) having a blade (72) addressable within a cutting volume and comprising means for manipulating said sheets within said cutting volume, the manipulating means for said sheets comprising at least one manipulator member (63) arranged to cooperate with the sheet being cut and employing suction to hold the sheet, wherein numerical control means are arranged to move the cutting head along a first, a second and a third axis (68 is the x-axis, 71 is the y-axis and 73 is the z-axis) of translation perpendicular to one another, but lacks, rotating the

cutting head about the third axis and having said manipulator member being mounted on and movable with said cutting head. However, Warren teaches a technique of pivotally attaching a cutting tool (90) to a bracket (112) such that the cutting tool may rotate about a vertical axis (Figure 3). Also, Christian teaches of mounting a manipulator member (54) on a cutting head (53) (Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cutting head, of Bando, with a cutting head that rotates with respect to a third vertical axis and to mount a manipulator member on the cutting head, as taught by Warren and Christian, in order to alter the apex of the cutting head into various positions thereby allowing for multiple types of cuts to be performed on a workpiece and to provide a single cutting head that can accomplish numerous tasks with a single member.

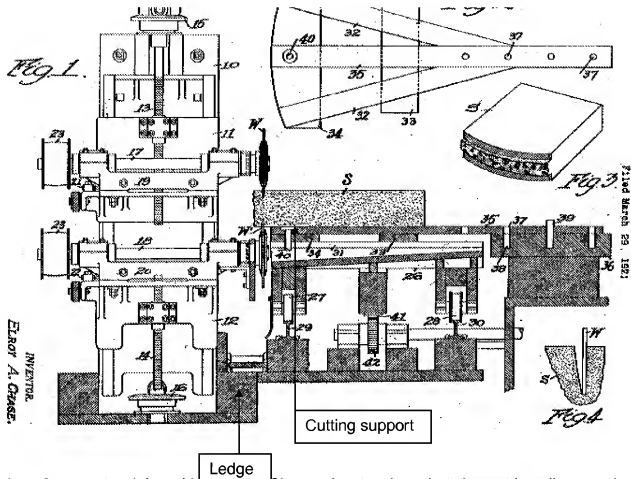
In reference to claims 34-37 and 46-49, Bando also discloses that said manipulator means can move vertically (Column 7, Lines 29-30) are of a rigid pneumatic type and are controlled by the numerical control means (Column 2, Lines 10-22).

In reference to claims 38 and 50, Bando also discloses that said numerical control means are arranged to rotate said cutting head about a fourth axis that is perpendicular to said third axis by using member (74) to enable cuts to be made with their edge inclined to the upper and lower surface of the sheet. (Column 7 Line 61-Column 8, Line 2).

4. Claims 39, 40-43, 51 and 52-55 are **Finally** rejected under 35 U.S.C. 103(a) as being unpatentable over Bando (5221034) in view of Warren (4777787), Christian (previously cited) and Chase (1509585).

In reference to claims 39 and 51, Bando discloses the claimed previously mentioned above, but lacks, a cutting disc disposed below the workpieces. However, Chase discloses a lower cutting disc (W') disposed below the workpiece (S). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, of Bando, with lower cutting disc, in view of Chase, in order to cut different sections of a workpiece simultaneously thereby increasing production and efficiency.

In reference to claims 40 and 52, Bando discloses the claimed previously mentioned above, but lacks, a cutting disc disposed to a side of the cutting support. However, Chase discloses a cutting disc (W') disposed to a side of the cutting support (See figure below). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, of Bando, with lower cutting disc, in view of Chase, in order to cut different sections of a workpiece simultaneously thereby increasing productivity and efficiency.



In reference to claims 41 and 42, Chase also teaches that the cutting disc can be moved vertically (Lines 52-55).

In reference to claims 42 and 54, Chase also discloses that cutting disc is part of a milling machine rigid with a frame (10) mounted on vertical guides (13, 14).

In reference to claims 43 and 55, Chase also discloses that the vertical guides are fixed to a ledge projecting from said support (see figure above).

Response to Arguments

5. Applicant's arguments filed September 26, 2008 have been fully considered but they are not persuasive.
6. Applicant contends that, **"However, even if (as suggested by the Official Action) the skilled man would modify the cutting head of BANDO as suggested by WARREN, the skilled person would apply a rotating joint between the base (52) and the drive means (65) (as shown above)."**
- a. However, the examiner respectfully disagrees with this statement. Bando teaches that the cutting tool (60) can be mounted on a bracket member (64) (Figure 14). In addition, Warren teaches a technique of pivotally attaching a cutting tool (90) to a bracket member (112) therefore from the teachings of Warren one would modify the connection between the bracket member and the cutting tool of Bando thus the examiner believes the rejection is proper and thus maintained.
7. Applicant contends that, **"CHRISTIAN shows a cutting head 75 carrying the blade 74 and a further head 54 carrying the suction means. These heads are connected with each other by the cylinder 70. On the contrary, claim 33 of the present invention sets forth that the device is provided with one single head having both the blade and the suction means for making the removal of the cut pieces easier and faster."**
- b. However, the examiner respectfully disagrees with this statement. Christian merely taught of mounting a manipulating member with a cutting

member. This is clearly shown and discussed in Figure 1 and in the abstract therefore the examiner believes the rejection is proper and thus maintained.

8. Applicant contends that, **“CHRISTIAN may not properly be combined with WARREN because WARREN refers to a tree shaping apparatus (see the title), whereas CHRISTIAN refers to a machine for sawing blocks of stone or marble or granite. CHRISTIAN is thus non-analogous art to the present invention.”**

c. However, the examiner respectfully disagrees with this statement. Bando is the base reference that is being modified not Christian. Warren teaches a technique for pivotally attaching a cutting tool to a bracket member for manipulating the cutting tool which Bando is also concerned with since Bando discusses moving the cutting tool in various directions. Christian merely teaches of mounting a manipulating member with a cutting member. This feature is also combinable with Bando therefore the examiner believes that both references are combinable with Bando and that the rejection is proper and thus maintained.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Applicant added new claims 45-55 that needed to be addressed in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT SCRUGGS whose telephone number is (571)272-8682. The examiner can normally be reached on Monday-Friday 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Joseph J. Hail, III/
Supervisory Patent Examiner, Art Unit 3723